IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.728 OF 2005

Anwar Hanif Khan ...Applicant

Versus

The Appraising Officer & Anr. ...Respondents

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Mr.S.N.Kantawala with Mr.Uday P.Warunjikar for Applicant.

Mr.H.V.Mehta for Respondent No.1.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 8, 2005.

P.C.

1. Heard Counsel for the parties.

2. It is seen that the Applicant is in custody since 28th December 2004 in respect of offence under Section 135 of the Customs Act. The role of the Applicant, according to the Applicant, was one of conduit between importer and the

clearing agent. The Applicant while in custody, has been extensively interrogated. Mr.Mehta for Respondent No.1 is not in a position to explain why further custody is necessary, except stating that the lead to main accused has not been provided by the present Applicant and that, the prime accused has not appeared before the Authority. That alone cannot be the basis for detaining the Applicant for a long period. In the circumstances, taking overall view of the matter, the Applicant deserves to be enlarged on bail by imposing following strict conditions :

(a) The Applicant is enlarged on bail in connection with Case No.F.No.SG/MISC/151/ 2004-SIIB(i) on executing personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one or two sureties in the like amount.

(b) The Applicant shall report to the Investigating Officer, once in a fortnight on Friday between 10.00 a.m. and 2.00 p.m. and on such other date, time and place, as may be specified by the Investigating Officer for the

purpose of investigation.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

3. Application disposed of on the above terms.

A.M.KHANWILKAR, J.